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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9363/2024 & CM APPL. 38491/2024, CM APPL.
38492/2024

DR NITTIN CHOUDHARY

.....Petitioner

Through: Mr.Gautam Narayan with Mr.Ankit
Roy and Ms.Asmita, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms.Monika Arora, CGSC with
Mr.Subhrodeep Saha, Advocate
R-1/UOI.

Mr.T.Singhdev with Mr.Abhijit
Chakravarty, Mr.Tanishq Srivastava,
Mr.Anum Hussain, Mr.Sourabh
Kumar Mr.Bhanu Gulati, Mr. Aabhas
and Ms. Ramanpreet Kaur, Advocates
for R-3/NMC.

Mr. Kirtiman Singh with Mr. Waize
Ali Noor, Mr. Varun Rajawat, Mr.
Ranjeev Khatana, Mr. Varun P. Singh
and Mr. Kartik Baijal, Advocates for
R-4.

Mr. T. Singhdev and Mr. Abhijit
Chakravarty, Advocates for R-5

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

29.07.2024

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1. Present petition has been filed challenging Sr. No.1. D. of Appendix "H-1" titled as 'Guidelines regarding admission of students with "Specified Disabilities" under the Rights of Persons with Disabilities Act, 2016 with respect to admission in MBBS Course' contained in Regulations on



Graduate Medical Education, 1997 (“Impugned Regulation”) which provide that persons with equal to or more than 40% speech and language disability are not eligible for admission in medical course.

2. On the last date of hearing, this Court had directed the Director of AIIMS to constitute a Board of three experts to assess petitioner’s disability and specifically discern as to whether he would be able to perform the functions expected from a post-graduate specialist doctor in the surgical field and file a detailed report before this Court.

3. Today a medical examination report dated 26th July, 2024 prepared by the Medical Board has been received by the Registry. In the said report, the medical board appointed by the Director, AIIMS has opined that the petitioner would be capable of performing the functions expected of a PG specialist doctor in surgical or any other stream of dentistry.

4. Keeping in view the said finding, the respondents are directed to grant admission to the petitioner in MDS course as per his result in the counselling.

5. Respondent no.2-Medical Counselling Committee is directed to file a counter affidavit within four weeks.

6. Rejoinder thereto be filed before the next date of hearing.

7. The report dated 26th July, 2024 is taken on record.

8. List for hearing on 12th December, 2024.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 29, 2024/ms